

Allowed Claims: 1, 5-6, 9-10, 14-15, and 17

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kelly McGlashen on June 9, 2009.

The application has been amended as follows:

1. Cancel non-elected claims 18-19.

Response to Arguments

The previous non-statutory provisional double patenting rejection of claims 1, 3, and 7-10 with respect to co-pending application 12/067,854 was discussed with applicant's representative on June 8, 2009 and since the instant application is the earlier filed application, the double patenting rejection has been withdrawn in accordance with MPEP 804 (Specifically Section I-B-1).

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: none of the prior art alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103.

Specifically regarding independent claim 1, none of the prior art alone or in combination disclose or teach of a transparent and polarizing vision element including at least a first zone

comprising a vertically oriented polarizing filter, a second zone comprising a horizontally oriented polarizing filter and a third zone that is not-polarizing as claimed, specifically wherein the element comprises two first zones, each associated with a polarization filter oriented vertically relative to the position of use of the element and each located adjacent to a lateral edge of the element, and the second and third zones are located between said two first zones, said third zone being located below said second zone in the use position of the element, and said two first zones are separated by a distance lying between 10 and 60 mm in a central portion of said element.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA T. STULTZ whose telephone number is (571)272-2339. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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